

EPA Official Record

Mail ID: 9EADAC5937F31D418B1E262E4686AAE70FC7B7F6

From: Timothy.Swickard@lewisbrisbois.com

To: DCAGE@idem.IN.gov; Sewell, Jason

Copy To: Jon.Schroeder@atlanticrelocation.com

Delivered Date: 03/28/2015 05:17 PM EDT

Subject: Surveillance Tape Discoveries

Attachment: removed.txt [1 KB]

David and Jason:

In light of our call on Friday, I was notified by AR that they had completed going through the surveillance tapes of the yard and they reveal that on the day of the fuel supplier spill at the site in January, the driver was on-site for close to 2 ½ hours (usually less than 20 minutes) and the tapes reveal a far larger spill than was reported by him to AR staff.

We would like to get this tape footage over to you and your investigators as soon as possible, so that their interview testimony can be subjected to what actually happened on the tapes. Please let me know if you can pick this up on Monday from AR so that your investigation of the fuel supplier's role in this can be specifically ascertained.

Thanks,

Tim

From: CAGE, DAVID [mailto:DCAGE@idem.IN.gov]
Sent: Friday, March 27, 2015 9:08 AM
To: Not responsive; Sewell, Jason; Swickard, Timothy
Cc: Jon Schroeder; Jay Strong
Subject: RE: AR Diesel report

Copy

From: Not responsive
Sent: Friday, March 27, 2015 12:05 PM
To: Sewell, Jason; Swickard, Timothy; CAGE, DAVID
Cc: Jon Schroeder; Jay Strong
Subject: RE: AR Diesel report

All Jon was the call organizer, we are tried to get the access code to initiate the call,
Please call back in on

Not responsive
Code: Not responsive

Not responsive

Emergency Response Manager

Environmental Restoration, LLC

4215 Curliss Lane

Batavia, OH 45103

(888) 814-7477 (24-HR)

(513) 724-0086 (office)

(513) 724-0259 (fax)

(636) 680-2585 (direct fax)

Not responsive (cell)

www.erllc.com

From: Sewell, Jason [<mailto:sewell.jason@epa.gov>]

Sent: Friday, March 27, 2015 12:03 PM

To: Swickard, Timothy; CAGE, DAVID

Cc: Jon Schroeder; **Not responsive**; Jay Strong

Subject: RE: AR Diesel report

Cut from other email:

Great. Thanks. The call in number is:

Toll-free dial-in number (U.S. and Canada):

Not responsive

Conference code:

Not responsive

Call time 12:00 pm EDT

Thanks,

Jon Schroeder

From: Swickard, Timothy [<mailto:Timothy.Swickard@lewisbrisbois.com>]

Sent: Friday, March 27, 2015 11:59 AM

To: CAGE, DAVID

Cc: Jon Schroeder; Sewell, Jason; **Not responsive**; Swickard, Timothy; Jay Strong

Subject: Re: AR Diesel report

What is the call-in number?

Sent from my iPhone

Tim Swickard

Lewis Brisbois LLP

Direct: 916-646-8219

Cell: **Not responsive**

Timothy J. Swickard

Partner

Timothy.Swickard@lewisbrisbois.com

**2850 Gateway Oaks Drive, Suite 450
Sacramento, CA 95833**

T: 916.646.8219 F: 916.564.5444 M:

Not responsive



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On Mar 27, 2015, at 5:43 AM, "CAGE, DAVID" <DCAGE@idem.IN.gov> wrote:

I have a 1:00 meeting so I will not be able to re schedule for 12:45

From: Jon Schroeder [<mailto:Jon.Schroeder@atlanticrelocation.com>]

Sent: Friday, March 27, 2015 11:26 AM

To: CAGE, DAVID; Sewell, Jason; **Not responsive**; Timothy Swickard

Cc: Swickard, Timothy; Jay Strong

Subject: RE: AR Diesel report

All, Is there any chance we can postpone our call time by 45 minutes? I have a conflict that has developed for noon that I cannot reschedule unfortunately.

If not, Jay and Tim will be on the line and will update me post call.

Tim,

Due to the time change, I haven't been able to confirm your availability at 12:45 EDT. Please advise once you get this message.

Thanks,

Jon Schroeder

----- Original message -----

From: "CAGE, DAVID" <DCAGE@idem.IN.gov>

Date: 03/26/2015 8:56 AM (GMT-05:00)

To: "Sewell, Jason" <sewell.jason@epa.gov>, Jon Schroeder
<Jon.Schroeder@atlanticrelocation.com>
Cc: [Not responsive] >, "Swickard, Timothy"
<Timothy.Swickard@lewisbrisbois.com>, Jay Strong
<Jay.Strong@atlanticrelocation.com>
Subject: RE: AR Diesel report

Friday anytime

From: Sewell, Jason [<mailto:sewell.jason@epa.gov>]
Sent: Wednesday, March 25, 2015 7:32 AM
To: Jon Schroeder
Cc: [Not responsive]; CAGE, DAVID; Swickard, Timothy; Jay Strong
Subject: Re: AR Diesel report

I can do Friday anytime ending before 3pm eastern.

On Mar 24, 2015, at 10:50 PM, Jon Schroeder
<Jon.Schroeder@atlanticrelocation.com> wrote:

I can be available on Friday from Noon - 1 pm EDT. Would this work? I am offsite all day in annual planning meetings. Jon Schroeder

From: [Not responsive]
Sent: Tuesday, March 24, 2015 3:34 PM
To: Sewell, Jason; CAGE, DAVID
Cc: Swickard, Timothy; Jon Schroeder; Jay Strong
Subject: RE: AR Diesel report

Jason and David

I spoke with Tim, he would like to schedule a results data interpretation call for Friday (3/27/15) following the scheduled 0900 call, between 1000 & 1100, is this a good time for you?
Thanks Jim

Not responsive
Emergency Response Manager
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Batavia, OH 45103
(888) 814-7477 (24-HR)
(513) 724-0086 (office)
(513) 724-0259 (fax)
(636) 680-2585 (direct fax)
[Not responsive] (cell)
www.erllc.com

From: Swickard, Timothy [<mailto:Timothy.Swickard@lewisbrisbois.com>]
Sent: Tuesday, March 24, 2015 1:25 PM
To: Jon Schroeder

Cc: Swickard, Timothy; Jay Strong; Not responsive
Subject: Re: AR Diesel report

Jim:

Let's set up a call for late this afternoon or tomorrow to discuss the results with EPA. All of us should be on that call. Thanks, Jim

Sent from my iPhone

Tim Swickard
Lewis Brisbois LLP
Direct: 916-646-8219
Cell: Not responsive

Timothy J. Swickard

Partner

Timothy.Swickard@lewisbrisbois.com

<image001.jpg>

**2850 Gateway Oaks Drive, Suite 450
Sacramento, CA 95833**

T: 916.646.8219 F: 916.564.5444 M: Not responsive

<image002.jpg>

<image002.jpg>

<image003.jpg>

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On Mar 24, 2015, at 4:43 AM, "Jon Schroeder"
<Jon.Schroeder@atlanticrelocation.com> wrote:

Tim,

I assume you will provide a response (direct or through me)?

Jon Schroeder

From: Sewell, Jason [<mailto:sewell.jason@epa.gov>]

Sent: Tuesday, March 24, 2015 10:02 AM

To: Not responsive

Cc: timothy.swickard@lewisbrisbois.com; Jon Schroeder; CAGE, DAVID; Alan Jeffrey; Jason T. LeMaster

Subject: RE: AR Diesel report

Jon/Jay;

We received your lab reports as requested. Thank you. -
Last Friday you advised you were going to have a
conference call with your chemist to determine whether
samples matched/whether your AST was the source of the
spill. Have you had that conference? If so, what is the
interpretation?

Thanks,
Jason

From: Not responsive [REDACTED]
Sent: Monday, March 23, 2015 5:55 PM
To: Sewell, Jason
Cc: timothy.swickard@lewisbrisbois.com; Jon Schroeder;
Alan Jeffrey
Subject: FW: AR Diesel report

Not responsive
[REDACTED]

Thanks Jim

Not responsive
[REDACTED]

From: Kenneth Hunt [<mailto:Kenneth.Hunt@pacelabs.com>]
Sent: Thursday, March 19, 2015 3:05 PM
To: Not responsive [REDACTED]
Cc: Jon.Schroeder@atlanticrelocation.com; Timothy.Swickard@lewisbrisbois.com
Subject: AR Diesel report

Jim:

Good afternoon.

I see the Zymax completed the testing for the materials received
for the AR Diesel project and that they were distributed to all
persons on this e-mail. I've attached the Pace report for this work
with the same information attached at the back.

I am told by Dr. Alan Jeffrey that he can offer his expertise in interpretation of this data if anyone would like to discuss the analysis with him. Dr. Jeffrey indicated that any interpretation whether verbal or otherwise should be authorized by legal counsel.

Dr. Jeffrey can be reached at the number below.

Alan Jeffrey, PhD
Senior Geochemist
Pace Analytical/Zymax Forensics
600 S. Andreasen Drive, Suite B
Escondido, CA 92029
Tel: 760.781.3338 Ext. 200

Let me know if I can be of any assistance.

Regards,

Ken

Kenneth Hunt
Project Manager
Pace Analytical Services, Inc.
7726 Moller Road
Indianapolis, IN 46268
Main Office: 317-228-3100
Direct line: 317-228-3120
kenneth.hunt@pacelabs.com
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